

## **REMARKS**

In the Office Action dated April 18, 2008, all of the previous claims were rejected, for various reasons, under 35 U.S.C. §112, second paragraph either for indefinitely or for omitting essential steps or components.

Additionally, claims 1-9 were rejected under 35 U.S.C. §102(e) as being anticipated by Nokita.

Applicants note with appreciation the telephone interview courteously afforded the undersigned representative of the Applicants on June 25, 2008, wherein the undersigned representative of the Applicants acknowledged that revisions in the claim language were necessary in order to respond to the rejections under §112, second paragraph, but no specific changes in the claim language were discussed in the interview with regard to actual changes in the claim language for responding to the rejections under §112.

The prior art rejection based on the Nokita reference also was discussed in the telephone interview.

As discussed in the telephone interview, the operating device disclosed and claimed in the present application allows a user to switch back and forth between a programmed mode, in which only preset values of a medical diagnostic device can be entered, and a manual mode, in which an operator is free to personally select individual operating values for one or more components of the medical diagnostic imaging unit. When switching back and forth between these different modes, however, the display area of the display screen, at which the actual values and parameters are displayed, does not initially change, until a further change is made by activating either the selection keys or the setting keys. This allows a user to see the

values that have been entered in one of the modes when a switch is made to the other of the modes, so that the user can use those values that are displayed unchanged, as a starting point for making changes in the currently-selected mode. For example, if a user starts in the programmed mode, and makes certain entries by activating certain selection keys, and then switches to the manual mode, the values that were entered and displayed in the programmed mode will not be changed in the display area of the display screen when the switch is made to the manual mode. In each of the modes, however, only the key field that is suitable for the currently-selected mode is displayed. Thus, in the programmed mode, only the setting key field is displayed in the operating area of the display screen, and in the manual mode only the setting key field is displayed in that operating area. The user is therefore not confused by having both key fields displayed simultaneously, but the user is "reminded" of the already-entered values by virtue of the display area of the display screen initially remaining unchanged when a switch between modes is made.

It was agreed in the telephone interview that the Nokita reference does not teach maintaining the entirety of the area that the Examiner contends corresponds to the claimed "display area" as being unchanged when switching between different modes. At least some values in that display area in Nokita do, in fact, change when switching between modes. This would defeat the intended purpose of the present invention, which is to remind a user of all of the values that have been entered in a previous mode, when a switch is made to a currently-selected mode.

It was therefore agreed at the interview that, in addition to making changes necessary to respond to the rejection under §112, making clear in the independent claim of the present application that all of the display area remains unchanged when switching between modes would preclude continued reliance on the Nokita reference as an anticipating reference. The Examiner stated further consideration would be needed to determine whether the Nokita reference could still be relied upon as a basis for an obviousness rejection under 35 U.S.C. §103(a), and/or whether further references would be cited.

In view of this need for further consideration, the Examiner stated in the telephone interview that making such an amendment in the claims would raise a new issue, and therefore such an amendment could not be entered after the Final Rejection, and could only be entered by filing an RCE.

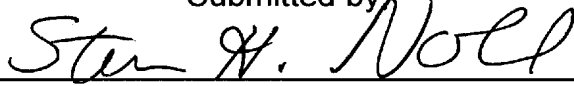
The present response is being filed simultaneously with an RCE, in order to permit entry and consideration of this Amendment.

Rather than attempting to amend the previous claims in order to respond to the rejections under §112, second paragraph, a new set of claims is presented herein, which are consistent with the discussion in the telephone interview concerning the Nokita reference, and which have been revised to respond to the rejections under §112, second paragraph that were made with regard to original claims 1-9.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Submitted by



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